CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A mobile wireless apparatus operative in a wireless data communication system, comprising:

a processor; and

a memory coupled to the processor, wherein the processor is operative on a plurality of computer readable instructions, comprising:

a first set of computer readable instructions operative to determine if sufficient time slots are available to receive a data packet prior to [[an]] a scheduled outage; and

a second set of computer readable instructions operative to generate an outage indicator to inhibit transmission of the data packet if sufficient time slots are not available, wherein the outage indicator is transmitted from the mobile wireless apparatus via a reverse link.

2. (Original) The apparatus of claim 1, wherein the outage indicator is a data rate control null cover.

3. (Original) The apparatus of claim 1, wherein the outage indicator is a data rate control having a null data rate.

4. (Original) The apparatus of claim 1, wherein the outage indicator is associated with an anticipated outage of data service in the apparatus.

5. (Previously Presented) The apparatus of claim 4, wherein the anticipated outage is due to a page monitor.

6. (Original) The apparatus of claim 4, wherein the anticipated outage is due to a frequency search.

7. (Currently Amended) In a wireless communication system capable of data communications, a method comprising:

determining a scheduled data service outage; and

transmitting a data outage indicator to inhibit data transmissions during the outage from a mobile wireless apparatus being operative in the wireless data communication system.

8. (Previously Presented) The method of claim 7, wherein the data service outage is due to a frequency search.

9. (Original) The method of claim 7, wherein the data outage indicator is a data rate control message.

10. (Original) The method of claim 9, wherein the data rate control message indicates a null data rate.

11. (Original) The method of claim 9, wherein the data rate control message indicates a null sector.

12. (Original) The method of claim 7, further comprising:

determining a time of the data service outage.

13. (Original) The method of claim 12, further comprising:

determining a first time period to receive data transmissions.

14. (Currently Amended) A wireless apparatus operative in a multi-carrier wireless communication system, comprising:

time calculation means to determine a scheduled data outage for receipt of data on a first carrier; and

an outage indication means to inhibit transmission of data on the first carrier during the scheduled data outage.

15. (Original) The wireless apparatus of claim 14, further comprising:

data calculation means to determine if a first data transmission will complete before the data outage.

16. (Previously Presented) The method as in claim 7, further comprising:

determining a first data rate to receive a next transmission;

determining a first number of time slots N required for the next transmission;

determining a second number of time slots M before an outage;

sending a data rate request requesting the next transmission at the first data rate if N is greater than M; and

sending the data rate request requesting the next transmission at a null data rate if N is not greater than M.

17. (Previously Presented) The method as in claim 16, further comprising:

servicing the outage.

18. (Currently Amended) A mobile wireless communication apparatus adapted for wireless data communications, comprising:

means for determining a scheduled data service outage; and

means for transmitting a data outage indicator to inhibit data transmissions during the outage from a mobile wireless apparatus being operative in the wireless data communication system when sufficient time slots are not available to receive a data packet prior to the outage.

19. (New) An apparatus as in claim 1, further comprising

a third set of computer readable instructions operative to generate a data rate request for a next transmission if sufficient time slots are available, wherein the data rate request is transmitted from the apparatus via a reverse link.

20. (New) An apparatus as in claim 19, wherein the available time slots prior to a next outage is a function of the data rate request.